

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 3, 2005. At the time of the Office Action, Claims 1-9 were pending in the case. Applicant amends Claims 1, 4, and 7 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. These amendments are only clerical in nature. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Specification

The Examiner objects to the disclosure and requests that the "Related Patent Applications" paragraph needs to be updated. Applicant has complied with this request and submitted all the information necessary for the update and, thus, respectfully requests the Examiner to withdraw this objection.

Claim Objection

The Examiner has made numerous objections to the claims: specifically identifying a number of clerical errors. Applicant apologizes for these drafting imperfections. Applicant has made the suggested corrections in order to address the Examiner's concern and, thereby, to overcome the Examiner's objections.

Section 103 Rejections

The Examiner rejects Claims 1, 3-4, 6-7, and 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,434,134 issued to LaPorta et al. (hereinafter "*La Porta*") in view of U.S. Patent No. 6,438,114 issued to Womack et al. (hereinafter "*Womack*"). The Examiner rejects Claims 2, 5, and 8 under 35 U.S.C. §103(a) as being unpatentable over LaPorta in view of U.S. Publication No. 2002/0080751 issued to Hartmaier (hereinafter "*Hartmaier*"). These rejections are respectfully traversed for the following reasons.

Applicant respectfully reminds the Examiner that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior reference (or references when combined) must teach or suggest all of the claim limitations.<sup>1</sup>

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation of the Independent Claims. For example, Independent Claim 1 recites:

...

*determining whether the mobile device is registered on the wireless access network;*  
*if the mobile device is not registered, determining at a mobility control function (MCF) whether the mobile device is active; and*  
*if the mobile device is active, connecting the call to the mobile device with a call agent based on a temporary line directory number (TLDN) assigned by the MCF and passed to the call agent in an extended session initiation protocol (SIP) message.*

As a preliminary matter, the Examiner should appreciate the decision tree configuration that is recited by Independent Claim 1. For example, when one step or evaluation is resolved, then a subsequent operation is performed. Consider a case in which the mobile device is not registered. In such an instance, the MCF determines whether the mobile device is active. There is no recitation in *La Porta* of this determination. In all honesty, *La Porta* does not even disclose the registration function that is recited just before this determination operation. *La Porta* discusses whether a mobile device is attached through a home domain, at the passage cited by the Examiner, but being attached through a home domain, or being connected to a network, is not the equivalent of a registration.

If that missing registration limitation is put aside for a moment, *La Porta* still does not make any determination as to whether the mobile device is active. At the passage cited by the Examiner for this limitation, *La Porta* discloses a general power up scenario in which the DHCP gains an awareness of the mobile device (perhaps through connectivity) and then

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<sup>1</sup> See M.P.E.P. §2142-43.

assigns an address to the mobile device. Missing from *La Porta* is the actual determination of whether the mobile device is indeed active, which according to Independent Claim 1 is only done after discovering that the mobile device is not registered. Clearly, this disclosure of whether a mobile device is truly active is missing from *La Porta*.

But there are even more reasons why *La Porta* is flawed. One important distinction between *La Porta* and the recited subject matter is the protocols that are implemented by the present invention. For example, a temporary line directory number (TLDN) is assigned by an MCF and sent to a call agent. There is no disclosure of such a protocol, nor is it clear that the 'care of address' can be used to connect a call. *La Porta* provides no direction in this regard. Additionally, SIP is used as a signaling mechanism, which is significant. SIP requires substantial coordination in call legs such that the primary call is anchored in one network, while the messages can traverse an alternative path. The use of SIP is not arbitrary, nor is its implementation trivial. More importantly, the Examiner has glossed over why such signaling is being used in the first place. The SIP message is the mechanism that triggers the critical call connection. Without such a trigger, the call agent does not have the intelligence or the direction to connect the call. The supporting reference, *Womack*, does not provide any SIP signaling being used in such a context.

Accordingly, Independent Claim 1 is patentable over *La Porta* for at least these reasons. Additionally, Independent Claims 4 and 7 recite a similar (but not an identical) limitation and are, therefore, also allowable for analogous reasons. In addition, their respective dependent claims are also patentable over *La Porta* using similar reasoning. Notice to this effect is respectfully requested.

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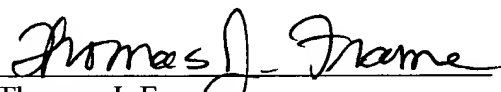
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
Thomas J. Frame  
Reg. No. 47,232

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Customer No. **05073**